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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,243	02/01/2000	Andras Konya	UTKO.002	5915

7590 07/19/2005
Fulbright & Jawrski LLP
600 Congress Avenue Ste 2400
Austin, TX 78701

EXAMINER

THALER, MICHAEL H

ART UNIT PAPER NUMBER

3731

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/496,243	Applicant(s) KONYA ET AL.	
	Examiner Michael Thaler	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 37-66 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-36, 67 and 69-108 is/are allowed.
- 6) ☒ Claim(s) 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The final rejection mailed Sep. 14, 2004 is hereby withdrawn.

Claims 37-66 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 14.

Claims 68 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hansen et al. (5,968,088). Hansen et al. disclose a shape memory wire having a first segment 10 and a second segment 11 separated by a bend 13 (Wires 10 and 11 are actually two portions of the same continuous wire as shown in figure 3 where wires 10 and 11 are shown merging together at eyelet 13. Further, the phrase "continue into each other" in col. 8, lines 33-34 indicate that wires 10 and 11 are continuous.), the first segment 10 extending helically in a first direction around the body axis toward the other end of the body, the second segment 11 extending helically in a second direction around the axis toward the other end of the body, the first and second segments crossing each other in a plurality of locations (where they meet each other at the diametrically opposite side of the stent and where they meet each other again at end 12), the first and second segments 10, 11 alternating between being farther from

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the stent axis at each location (since they are twisted about each other at 7 and 12). Alternatively, it would have been obvious that first and second segments 10, 11 meet and cross each other in a plurality of locations since they extend from eyelet 13 helically with a pitch such that they extend circumferentially one cell 2 as they extend longitudinally to the next circumferential row of cells and since there are can be only four cells in each circumferential row of cells (col. 9, lines 26-27) while there can be five circumferential rows of cells (figure 5). Alternatively, it is old and well known to make stents very long as compared to their diameter in order to obtain the advantage of supporting a long length of blood vessel. It would have been obvious to make the Hansen et al. stent longer so that it too would have this advantage. With this modification, the Hansen et al. first and second segments 10, 11 would clearly meet and cross each other in a plurality of locations since they would extend long enough in the longitudinal direction for this to occur.

Claims 1-36, 67 and 69-108 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

mht
7/11/05



MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731